

or salts thereof,

wherein

W¹ and W² are independently CO₂R³, C(=NH)NH(OH), PO(OR³)₂ or C(=O)CF₃,
and at least one of W¹ and W² is CO₂R³;

each of R¹ and R² is a bond, CH₂ or C₁-C₆ alkylene;

each of Ar¹ and Ar² is independently a C₅-C₂₀ aryl;

L is a linker selected from the group consisting of a methoxy, C₂-C₂₀ alkoxy, and
C₆-C₂₀ aryl; and,

R³ is hydrogen or C₁-C₆ alkyl.

232
113. (Amended) The composition of Claim 108, wherein L is -CH₂O-

233
141. (Amended) The method of Claim 140, wherein L is selected from the group consisting of
C₁-C₂₀ alkoxy, C₆-C₂₀ aryl and C₁-C₆ heteroaryl.

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's Action mailed 16 May 2002 (Paper No. 7). The status of the Claims is as follows:

Claims 108-150 were pending.

Claims 112, 114, 115, 117-121, 143, 144 and 146-150 have been cancelled without intending to abandon or to dedicate to the public any patentable subject matter.

Claims 108, 113 and 141 have been amended herein.

Accordingly, following entry of the foregoing amendments, Claims 108-111, 113, 116, 122-142 and 145 will be pending.

Attached hereto is a marked-up version of the changes made to Claim 108 by the current amendment and response. The attached page is captioned "Version with markings to show changes made." As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

Election/Restriction:

Applicants affirm election of the Examiner's Group I.

Rejection to Improper Markush Group:

The Examiner has rejected Claims 108-112 and 122-141 as being drawn to an improper Markush group. Applicants have canceled claims 112; 114, 115, 117-121, 143, 144 and 146-150 from the instant application and amended claim 108 to remove non-elected subject matter as suggested by the Examiner.

Non Statutory Double Patenting

The Examiner has rejected Claims 108-150 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-50 of U.S. Patent No. 6,355,683. Applicants have canceled claims 112, 114, 115, 117-121, 143, 144 and 146-150 from the instant application and amended claim 108 to remove any overlapping subject matter with U.S. Patent No. 6,355,683.

Rejections Under 35 U.S.C. § 112, First and Second Paragraphs

The Examiner has rejected Claims 108-111 and 122-141 under 35 U.S.C. § 112, first and second paragraphs, as being indefinite with respect to the definition of the linker group L. Claim 108 and claims dependent therefrom have been amended to more narrowly recite the claimed linker group L within the Examiner's restriction group I. Thus, the pending claims, as amended, are sufficiently definite to meet the requirements of 35 U.S.C. § 112.

The Examiner has also rejected Claim 113 under 35 U.S.C. § 112, second paragraph, as lacking sufficient antecedent basis. Applicants have canceled Claim 112 and amended Claim 113 to depend from Claim 108 which provides sufficient antecedent basis, as amended.

The Examiner has rejected Claims 141 under 35 U.S.C. § 112, second paragraph, as lacking sufficient antecedent basis. Applicants have amended Claim 141 to remove the recitation to L¹.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected Claims 108-112 under 35 U.S.C. § 102(b) as being anticipated by Riad et al., (J. Chem. Res., Synop.) or Aizpurua et al., (Can J. Chem.). Riad and Aizpurua independently disclose the compound 4,4'-[oxybis(methylene)] bisbenzoic acid. The compound disclosed by the reference to Riad et al and Aizpurua et al is a benzylic ether whereas the compound of Claim 116 is a phenolic ether. Furthermore, Riad et al and Aizpurua et al merely teach methods of synthesizing the benzylic ether and there is no mention or suggestion in either

Mak Mijatich

reference of the use of the benzylic ether in the applications of the instant invention. Thus, the activity of the benzylic ether in the instant inventive methodology cannot be predicted.

Applicants therefore submit that Riad et al and Aizpurua et al do not anticipate the instant claims and respectfully request the Examiner's rejection under 35 U.S.C. § 102(b) be withdrawn.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Robert D. Traver

Robert D. Traver
Registration No. 47,999
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 19 Sept 2002

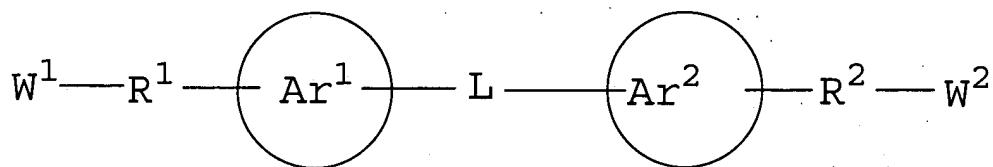
VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 112, 114, 115, 117-121, 143, 144 and 146-150 have been canceled.

Claims 108, 113 and 141 have been amended as follows:

108. (Amended) A pharmaceutical composition comprising:
a compound having the formula



or salts thereof,

wherein

W¹ and W² are independently CO₂R³, C(=NH)NH(OH), PO(OR³)₂ or C(=O)CF₃, and each at least one of W¹ and W² is independently CO₂R³, C(=NH)NH(OH), PO(OR³)₂ or C(=O)CF₃;

each of R¹ and R² is a bond, CH₂ or C₁-C₆ alkylene;

each of Ar¹ and Ar² is independently a C₅-C₂₀ aryl or C₁-C₂₀ heteroaryl;

L is a linker selected from the group consisting of a methoxy, C₂-C₂₀ alkoxy, and C₆-C₂₀ aryl comprising from 1 to about 20 atoms; and,

R³ is hydrogen or C₁-C₆ alkyl.

113. (Amended) The composition of Claim 108 +12, wherein L is -CH₂O-.

141. (Amended) The method of Claim 140, wherein L is selected from the group consisting of C₁-C₂₀ alkoxy, C₆-C₂₀ aryl and C₁-C₆ heteroaryl.